United Nations S/AC.37/2004/(1455)/32

Security Council

Distr.: General
31 March 2004

Original: English

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 31 March 2004 from the Permanent Mission of Dominica to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Commonwealth of Dominica to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, upon instructions from the Government of the Commonwealth of Dominica, has the honour to transmit the attached implementation report, called for in paragraph 6 of resolution 1455 (2003) (see annex).

The Government of the Commonwealth of Dominica stands ready to provide the Committee with further reports or information, as necessary.

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Annex to the note verbale dated 31 March 2004 from the Permanent Mission of Dominica to the United Nations addressed to the Chairman of the Committee*

REPORT OF THE COMMONWEALTH OF DOMINICA PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1455 (2003)

Background

The Government of the Commonwealth of Dominica continues its active cooperation with the Committee established pursuant to resolution 1267 (1999) and is committed to fulfill its international obligations in compliance with the above-mentioned resolution and other resolutions, which followed it.

The Commonwealth of Dominica strongly supported the adoption of UNSC resolutions concerning the fight against terrorism and in particular resolutions 1368, 1373, 1377, which declare terrorism a threat to peace and international security.

This report is submitted to the Security Council Committee established pursuant to resolution 1267 (1999) in compliance with paragraph 6 of UN Security Council resolution 1455 (2003).

I. Introduction

1. **Please provide a description of activities, if any, by Osama bin Laden, al-Qa'idah, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.**

There are no reports of any activities by Osama bin Laden, al-Qa'idah, the Taliban or their associates in the Commonwealth of Dominica. They do not appear to constitute a serious threat to the Commonwealth of Dominica. No likely trends in relation to their activities are identifiable.

II. Consolidated List

2. **How has the 1267 Committee's List been incorporated within your legal system and your administrative structure including financial supervision, police, immigration control, customs and consular authorities?**

The 1267 Committee's List is distributed by the Ministry of Foreign Affairs to the Ministry of Finance, law enforcement agencies and immigration and customs officials, requesting them to check if any individual or entity has assets associated with or belonging to Osama bin Laden, the Taliban or al-Qa'idah.

The International Business Unit, the regulatory authority, distributes the list to local banks for checks of the individuals and/entities listed. The Financial Intelligence Unit (FIU) is also involved in the solicitation of checks of listed individuals and/or entities. The FIU is developing a database of listed individuals and/or entities for appropriate action.

The Money Laundering (Prevention) Act No. 20 of 2000 and the Suppression of Financing of

* Additional documentation is on file with the Secretariat and is available for consultation.

Terrorism Act No. 3 of 2003 are the relevant legislation for criminalization of any illicit financial and/or terrorist activity.

3. **Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list. If so, please describe these problems.**

Through cooperation among relevant national institutions and their collaboration with their counterparts in different countries, we have not experienced any problems or difficulties on identification and verification of the personal data of the individuals and entities that are currently on the List seeking to extend their activities in our country. Our main challenge is overcoming difficulties in translating Arabic documentation.

4. **Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.**

Relevant authorities have not identified any of the designated individuals or entities within the territory of the Commonwealth of Dominica.

5. **Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or al-Qa'idah that have not been included in the list, unless to do so would compromise investigations or enforcement action.**

No individuals or entities associated with the Taliban, al-Qa'idah or Osama bin Laden, that have been included on List have been identified in the territory of Commonwealth of Dominica. There are no names to submit.

6. **Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list? Please specify and elaborate, as appropriate.**

No lawsuit has been brought nor legal proceedings initiated against the official authorities in the Commonwealth of Dominica with reference to inclusion of individuals or entities on the List.

7. **Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee as well as similar information on the listed entities, as available.**

None of the listed individuals have been identified as nationals or residents of the Commonwealth of Dominica nor do the Dominican authorities have any relevant information available on listed entities that have not already been included on the List.

8. **According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting al-Qa'idah members in carrying out activities inside your country, and to prevent individuals from participating in al-Qa'idah training camps established in your territory or in another country.**

The Suppression of Financing of Terrorism Act, No. 3 of 2003 is a comprehensive legislation to suppress terrorism in the Commonwealth of Dominica and assist other countries in their fight against

terrorism. Although al-Qa'idah is not specifically mentioned, the Act provides mechanisms to suppress terrorist activity in Dominica.

Part V of the Suppression of the Financing of Terrorism Act No. 3 of 2003 addresses Prohibitions respecting Terrorists and Terrorist Groups. This section of the legislation covers six sections, viz:

- Dealings with property of terrorist groups prohibited.
- Financial institutions prohibited from transacting business with terrorists and terrorist groups.
- Use of financial services.
- Supply and support to terrorist and terrorist groups.
- Incitement of, promotion and participation in the Commission of offences and terrorist acts.
- Penalties respecting prohibitions.

III. Financial and Economic Assets Freeze

9. **Please describe briefly:**

   - **The domestic legal basis to implement the asset freeze required by the resolutions above.**

   Part IX of The Suppression of Financing of Terrorism Act No. 3 of 2003 addresses the Seizure and Forfeiture of Terrorist Property. Part IX of the Act No. 3 of 2003 comprises three sections, namely:

   - Order for Seizure and Restraint for Property
   - Order for Forfeiture of Property
   - Power to Prohibit Making Funds available to persons in foreign states to commit terrorist acts.
   - **Any impediment under your domestic law in this context and steps taken to address them.**

   At present, no barriers have been identified in the course of implementation of the legislative framework.

10. **Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, al-Qa'idah or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

By dint of Part VI of the Suppression of the Financing of Terrorism Act No. 3 of 2003, the Financial Intelligence Unit (FIU) and the Commissioner of Police are authorized to investigate terrorist activities. The Financial Intelligence Unit is a member of the Egmont Group and as such has access to a secured regional and international network. The Dominica Police Service (DPS) is also part of the Caribbean regional network, and a member of Interpol.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of al-Qa'idah or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Section 36 of Part VIII of the Suppression of Financing of Terrorism Act. No. 3 of 2003 deals with this matter. This section of the legislation imposes an obligation on financial institutions to disclose property of terrorist groups to the FIU, the Commissioner of Police, and the Eastern Caribbean Central bank (ECCB). Due Diligence, and Know Your Customer requirements are addressed in the Money Laundering (Prevention) Regulations, Statutory Rules and Orders No. 14 of 2001, and in the supportive Anti-Money laundering Guidance Notes. These Due Diligence and Know Your Customer requirements are based on the Basle Statement of Principles. The money Laundering Supervisory Authority is responsible for oversight as per Section 11 of Part III of the Money Laundering and (Prevention) Act No. 20 of 2000.

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002).

There are no frozen assets of listed individuals and entities in our jurisdiction.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of al-Qa'idah or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

This item is not applicable to our jurisdiction.

14. Pursuant to resolution 1455 (2003), 1390 (2001), 1333 (2002) and 1267 (1999), States are to ensure that no funds, financial assets, or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

Part V of the Suppression of the Financing of Terrorism Act No. 3 of 2003 captioned "Prohibitions respecting Terrorists and Terrorist Groups" addresses the obligations emanating form the Security Council resolutions 1455 (2003), 1390 (2002), 1333 (2000) AND 1267 (1999). Part V of the Suppression of Financing of Terrorism Act No. 3 covers: 1) Dealings with property of terrorists and terrorist groups, 2) Financial institutions prohibited from transacting business with terrorists and terrorist groups, 3) Use of Financial Services, 4) Supply and support to terrorist and terrorist groups, 5) Incitement of, promotion of, and participation in the Commission of offences and terrorist acts, and 6) Penalties respecting prohibitions.

- **The methodology, if any, used to inform banks and other financial and other financial institutions of restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of al-Qa'idah or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

  The International Business Unit (IBU), the regulatory authority for financial institutions, distributes information on individuals and/or entities listed by the Committee to financial institutions. The Ministry of Foreign Affairs furnishes these lists to the IBU. The FIU is also involved in the dissemination of relevant information to financial institutions.

- **Required bank reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.**

  The required bank reporting procedures are captured in Section 36 (Duty to Disclose Certain Information to the Financial Intelligence Unit) of Part VIII of the Suppression of the Financing of Terrorism Act, No. 3 of 2003. STR's currently submitted under the Money Laundering Prevention Act, No. 20 of 2000 are analysed and investigated by the FIU in collaboration with strategic entities. Reports submitted by financial institutions will be reviewed and evaluated by the Commissioner of Police and the FIU.

- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

  Section 36 of Suppression of Financing of Terrorism Act, No. 3 of 2003 not only addresses financial institutions but also covers persons. Person includes numerous entities as defined in Section 2, Act. No. 3 of 2003. Reports will be reviewed and evaluated by the Commissioner of Police and the FIU.

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds, and other related items.**

  According to the Money Laundering Act, No.20 of 2000, the Minisry of Finance is empowered to issue the license for persons that are not banks but are involved in extraction, processing, and transactions in precious metals and stones. They have to comply with requirements set in the law when importing or exporting precious metals and stones. These have to be declared before the custom authorities.

- **Restrictions or regulations, if any, applicable to alternate remittance systems such as- or similar to- *hawala*, as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

  Part X of the Suppression of the Financing of Terrorism Act. No 3 of 2003 forbid the involvement of charities in terrorist activities. This section of the Act empowers the Minister of Finance to refuse an application for registration to a charity linked to terrorist groups, and to revoke the registration of an existing charity if there are reasonable grounds establishing a linkage to terrorist groups.

IV. Travel Ban

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

The Travel Ban is implemented administratively by inclusion and circulation of the relevant details in the Watch List which is available to all officers at ports-of-entry.

16. Have you included the names of the listed individuals in your national 'stop list" or border checkpoint list?

The names of listed individuals and other particulars once circulated to the relevant immigration agencies are incorporated into the national Watch List. This is a paper-based arrangement.

17. How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?

The updated list is transmitted to border control authorities on a continuous basis. Dominica does not possess the capability to search List Data using electronic means at all entry points.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

No listed individual has been stopped at border points or has transited through Dominican territory.

19. Please provide an outline of measures if any, taken to incorporate the list in the reference database of your Consular offices. Have your visa-issuing authorities identified and visa applicant whose name appears on the list?

Consular offices do not have a "reference database" incorporating the Consolidated List. Overseas missions of the Commonwealth of Dominica are informed by the Consolidated List.

V. Arms Embargo

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction by Osama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups, undertaking, and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

The Office of the Prime Minister must approve all importation, transit and exportation of weapons through Dominican ports. Importers/exporters and shipping agents must furnish all documentation, that is, import, export, and transit certificates and/or licenses for approval by the Office of the Prime Minister prior to them being allowed to enter the country.

This is in line with the Organization of American States (OAS) Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

The export of military goods without a permit (which would not be granted to Osama bin Laden, al-Qa'idah or the Taliban) is a violation of the **Firearms Act, or Export and Import Act.**

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups undertakings and entities associated with them from obtaining items under the established arms embargo?

The system is based on the OAS Model Regulations and the Convention Against the Illicit Trafficking in Weapons, Munitions, Explosives and Related Materials Ammunition. The **Firearms Act, and the Export and Import Act are** the relevant legislation.

The Commissioner of Police and the Office of the Prime Minister must approve all arms imports, exports and transit of arms, ammunition, dangerous explosives before they can enter Dominican ports-of-entry. The Commonwealth of Dominica is not a producer of weapons or ammunition.

23. Do you have safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated?

A permit would not be granted if there was any reason to believe that the goods would be diverted to Osama bin laden, al-Qa'idah or the Taliban. This is enforced by Dominican Customs and the Dominica Police Force.

VI. Assistance and Conclusion

24. Would your state be willing or able to provide assistance to other States to help implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals?

The Commonwealth of Dominica does not possess the capacity required to provide assistance to other States to aid implementation of the measures contained in Security Council resolutions 1267 and 1455.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/al Qa'idah sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

Not applicable.

26. Please include any additional information you believe pertinent.

Not applicable.

Appendices:

1. Suppression of the Financing of Terrorism Act, No. 3 of 2003
2. Exchange of Information Act, No. 25 of 2001
3. Money Laundering (Prevention) Regulations, S.R.O. 14 of 2001
4. Money Laundering (Prevention) Act, No. 20 of 2000